

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4635

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARRELL DARNELL MCCLURE, a/k/a Oink,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:06-cr-00232-CCE-1)

Submitted: April 29, 2016

Decided: May 6, 2016

Before DUNCAN and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, Eric D. Placke, First Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, Kyle D. Pousson, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrell Darnell McClure appeals the district court's judgment revoking his supervised release and imposing 25 months' imprisonment and 30 months' supervised release. On appeal, McClure contends that the district court clearly erred by finding that he committed a Grade B violation of the terms of his supervised release by possessing a firearm and that, based on this error, his sentence is unreasonable. We affirm.

We review a district court's judgment revoking supervised release for an abuse of discretion and its factual findings for clear error. United States v. Padgett, 788 F.3d 370, 373 (4th Cir.), cert. denied, 136 S. Ct. 494 (2015). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C. § 3583(e)(3) (2012); Padgett, 788 F.3d at 374. We have reviewed the record and conclude that the district court did not clearly err in relying on the testimony of multiple law enforcement officers who observed McClure on the evening in question to find by a preponderance of the evidence that McClure possessed a firearm.

Because our conclusion forecloses the sole argument that McClure offers in support of his claim that his sentence is unreasonable, and because we discern no plain error in the district court's sentence within the Sentencing Guidelines policy statement range or its supporting explanation, United

States v. Webb, 738 F.3d 638, 640-42 (4th Cir. 2013), we conclude that McClure's sentence is reasonable.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED